IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2376 OF 2005

Vallabhdas Lalchand. ..Petitioner.

V/s.

The State of Maharashtra. ..Respondent.

None for petitioner.

Mr.Y.S.Shinde, APP for State.

CORAM: A.M.KHANWILKAR,J

DATE : DECEMBER 23, 2005.

P.C. :

1. On the last occasion counsel for the petitioner stated that nothing survives for consideration in this petition as the investigating agency has not filed any charge-sheet against the petitioner before the trial court. Attempt of the petitioner was to withdraw this petition. However, from the record it transpired that the offence in question is cognizable offence and named two accused; but charge sheet was filed only in respect of one accused who was a dead person. It was obvious that there was something more than what meet the eyes. In the circumstances, in my order dated 1st December, 2005, I called upon the Commissioner of Police, Mumbai to examine the matter and submit appropriate

report on affidavit.

2. Pursuant to the said order, affidavit has now been filed by the Commissioner of police dated December 22, 2005, which mentions that in the preliminary enquiry, it was found that conduct of the Investigating Officer Anil Salokhe was not satisfactory, rather it was highly remiss and negligent. He has been therefore, suspended with immediate effect from 20th December, 2005 and departmental action has been initiated against him.

3. In the circumstances, while dismissing this petition as not pressed, the above statement made on affidavit by Commissioner of Police, Mumbai is taken on record. The Court appreciates the prompt action taken by the Police Department.